

Fresno, California

April 19, 2012

The City Council met in regular session at the hour of 1:00 p.m. in the Council Chamber, City Hall, on the day above written.

Present:	Oliver Baines III	Councilmember (arrived shortly into the meeting)
	Andreas Borgeas	Councilmember
	Lee Brand	Councilmember
	Sal Quintero	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President
	Clinton Olivier	Council President

Mark Scott, City Manager
Renena Smith, Assistant City Manager
Jim Sanchez, City Attorney
Yvonne Spence, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Melkonian of the First Armenian Presbyterian Church gave the invocation and President Olivier led the Pledge of Allegiance.

PROCLAMATION OF “MONEY SMART WEEK” – COUNCILMEMBER QUINTERO

Read and presented.

APPROVE MINUTES OF APRIL 5, 2012:

On motion of Councilmember Westerlund, seconded by President Olivier, duly carried, **RESOLVED**, the Council minutes of April 5, 2012, approved as submitted, including Pages 159-85 & 159-86 which were inadvertently omitted during printing and red-tagged.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Westerlund requested staff provide a status report on the contract for highway trash pick-up stating the freeways were bad but were looking worse now.

Councilmember Quintero reported on Granville Home’s groundbreaking event for their annual Home of Hope fundraising drive which benefits eight local organizations and encouraged the community to purchase tickets.

APPROVE AGENDA:

(3:00 p.m. “A”.) AWARD A CONTRACT IN THE AMOUNT OF \$419,245.00 TO JSA ADVERTISING FOR PROFESSIONAL INFORMATION SERVICES FOR THE DEPARTMENT OF PUBLIC UTILITIES

Continued two weeks at the request of staff.

(1-G) DOCUMENTS PERTAINING TO A PORTION OF THE SOUTHWEST SIDE OF N. GOLDEN STATE BOULEVARD NORTHWEST OF W. ASHLAN AVENUE

#1 ADOPT A FINDING OF CATEGORICAL EXEMPTION PURSUANT TO CEQA, ENVIRONMENTAL ASSESSMENT NO. S-11-002

#2 RESOLUTION - ORDERING THE SUMMARY VACATION OF A PORTION OF THE SOUTHWEST SIDE OF N. GOLDEN STATE BOULEVARD APPROXIMATELY 3000 FEET NORTHWEST OF W. ASHLAN AVENUE

City Clerk Spence corrected the title to read: "Documents pertaining to the vacation of a portion of.....".

(9:30 A.M.) [changed from 3:15 p.m.] JOINT MEETING OF THE CITY COUNCIL AND THE CITY OF FRESNO CULTURAL ARTS PROPERTIES CORPORATION (COFCAP)

(‘A’) RESOLUTION - FILLING THE VACANT POSITION ON THE COFCAP BOARD OF DIRECTORS WITH THE CHAIR OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY (City action)

~AND~

(‘B’) CONSIDER DOCUMENTS PERTAINING TO A PROPOSED 69-UNIT MIXED-USE RESIDENTIAL PROJECT (‘PROJECT’) LOCATED AT FULTON AND CALAVERAS STREETS

#1 APPROVE A PURCHASE AND SALE AGREEMENT BETWEEN THE COFCAP AND THE CITY FOR THE SALE OF 2.12 ACRES OF PROPERTY TO THE CITY (Joint action)

#2 APPROVE A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY AND FFDA PROPERTIES, LLC, FOR DEVELOPMENT OF THE PROJECT (City action)

#3 APPROVE THE FIRST AMENDMENT TO THE MASTER LEASE BETWEEN THE COFCAP AND THE CITY (Joint action)

Continued to April 26, 2012, at 9:30 a.m. Councilmember Westerlund added Item ‘B’ was the next step of the RFP/OPA that was entered into for the Metropolitan Museum properties and was being continued because it was not possible to get a staff report prepared in a timely fashion working with all the stakeholders.

(2:30 p.m. “B”) RESOLUTION - APPROVING THE “HIGH SPEED RAIL BUSINESS IMPACT INITIATIVE”, AND ESTABLISHING THE “HIGH SPEED RAIL RELOCATION DIVISION” OF THE CITY OF FRESNO AND A CITY POLICY FOR STREAMLINED TIMELINES AND GUIDELINES FOR ENTITLEMENT AND LAND USE PROCESSING FOR PROPERTIES AFFECTED BY HIGH SPEED RAIL – COUNCILMEMBER WESTERLUND

Continued two weeks by Councilmember Westerlund who stated there were a lot of different stakeholders involved and the item was still being worked on.

On motion of Councilmember Westerlund, seconded by Councilmember Xiong, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Borgeas, Brand, Quintero, Westerlund, Xiong Olivier
Noes	:	None
Absent	:	Baines

ADOPT CONSENT CALENDAR:

Councilmember Westerlund removed Items **1-E** and **1-F** from the Consent Calendar for separate discussion/action.

(1-A - REMOVEDFROM THE AGENDA)

(1-B) APPROVE APPOINTMENTS OF GRACE GOMES TO THE FRESNO-MADERA AREA AGENCY ON AGING AND TIMOTHY LOWE TO THE FRESNO HOUSING AUTHORITY AS A RESIDENT MEMBER – MAYOR SWEARENGIN

(1-C) AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE A PROFESSIONAL CONSULTING SERVICES AGREEMENT WITH BLAIR, CHURCH AND FLYNN IN THE AMOUNT OF \$150,000 TO PROVIDE AN AERONAUTICAL SURVEY IN SUPPORT OF THE RUNWAY RECERTIFICATION PROCESSES ASSOCIATED WITH THE RUNWAY SAFETY AREA COMPLIANCE PROGRAM AT FRESNO YOSEMITE INTERNATIONAL AIRPORT

(1-D) DOCUMENTS PERTAINING TO MINOR ALTERATIONS TO VARIOUS LEASED CONCESSION SPACES AT FRESNO YOSEMITE INTERNATIONAL AIRPORT BY FRESNO, AAI, INC., dba ANTON AIRFOODS (ANTON)

#1 ADOPT A FINDING OF CATEGORICAL EXEMPTION (EXISTING FACILITIES) PURSUANT TO CEQA

#2 AUTHORIZE THE DIRECTOR OF AVIATION TO (1) EXECUTE THE SECOND AMENDMENT TO THE CONCESSION AGREEMENT WITH FRESNO AAI, INC., dba ANTON AIRFOODS FOR THE CONVERSION OF RAPIDOS COFFEE BAR TO STARBUCKS AND IMPROVEMENTS TO OTHER LEASEHOLD AREAS AT FYI, AND (2) EXTEND THE LEASE TERM

(1-G) DOCUMENTS PERTAINING TO THE VACATION OF A PORTION OF THE SOUTHWEST SIDE OF N. GOLDEN STATE BOULEVARD NORTHWEST OF W. ASHLAN AVENUE

#1 ADOPT A FINDING OF CATEGORICAL EXEMPTION PURSUANT TO CEQA, ENVIRONMENTAL ASSESSMENT NO. S-11-002

#2 **RESOLUTION NO. 2012-66** - ORDERING THE SUMMARY VACATION OF A PORTION OF THE SOUTHWEST SIDE OF N. GOLDEN STATE BOULEVARD APPROXIMATELY 3000 FEET NORTHWEST OF W. ASHLAN AVENUE

(1-H) DOCUMENTS PERTAINING TO PROPERTY ACQUISITION AND INSTALLATION OF TRAFFIC SIGNALS, CURB RAMPS AND TRANSITION PAVEMENT AT THE NORTHWEST CORNER OF THE MCKINLEY AND MARKS AVENUES INTERSECTION

#1 ADOPT FINDINGS OF CATEGORICAL EXEMPTION (EXISTING FACILITIES AND IN-FILL DEVELOPMENT) PURSUANT TO CEQA

#2 APPROVE THE ACQUISITION OF A PUBLIC STREET EASEMENT FROM A PORTION OF PROPERTY OWNED BY GREGORIO, RAY, OLGA AND FRANCES GONZALEZ IN THE AMOUNT OF \$2,600 FOR THE MCKINLEY/MARKS IMPROVEMENT PROJECT

(1-I) ACTIONS RELATING TO AN ANTENNA SITE LEASE WITH LOPERENNA ANTENNA SITES

#1 ADOPT FINDING OF CLASS 1 AND 3 CATEGORICAL EXEMPTIONS (EXISTING FACILITIES AND NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) PURSUANT TO CEQA FOR THE PURPOSE OF ESTABLISHING, OPERATING AND MAINTAINING A DATA RADIO ANTENNA, RECEIVER AND TRANSMITTER ATOP OWENS MOUNTAIN AT 19720 AUBERRY ROAD, CLOVIS, CA

#2 APPROVE A LEASE AGREEMENT WITH LOPERENNA ANTENNA SITES FOR THE PROJECT, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES, OR DESIGNEE, TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

On motion of Councilmember Westerlund, seconded by President Olivier, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	Baines

CONTESTED CONSENT CALENDAR:

(1-E) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH PROVOST & PRITCHARD ENGINEERING GROUP, INC., IN THE AMOUNT OF \$204,611 FOR ENGINEERING DESIGN SERVICES FOR THE NEILSEN GROUNDWATER RECHARGE BASIN, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES, OR DESIGNEE, TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

Councilmember Westerlund noted this basin would be near Brawley and Neilsen Avenues and the equivalent of Leaky Acres in his district and presented questions and comments relative to the project size, how it compared to the size of parcels at Leaky Acres, Leakey Acres being the saddest looking set of properties in the middle of an urban environment, Clovis' recharge basin with landscaping/walking paths, and need to make this project an amenity to the community and not just a ditch bank and include amenities in the design, with Assistant Public Utilities Director Querin and Public Utilities Director Wiemiller responding and clarifying issues.

Councilmember Baines arrived at 1:25 p.m. at the start of discussion and Councilmember Borgeas left the meeting. Brief discussion ensued on Leaky Acres (including President Clinton jogging there in the 90s) and issues related to Ashlan Avenue.

On motion of Councilmember Westerlund, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Professional Services Agreement with Provost & Pritchard Engineering Group, Inc., hereby approved, and the Public Utilities Director, or designee, authorized to sign the Agreement on behalf of the City, by the following vote:

Ayes	:	Baines, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	Borgeas

Councilmember Borgeas returned to the meeting at 1:32 p.m.

(1-F) APPROVE AN AMENDMENT TO THE CONTRACT WITH PARSONS WATER AND INFRASTRUCTURE, INC., IN THE AMOUNT OF \$309,017 FOR DESIGN SERVICES OF THE TERTIARY TREATMENT AND DISINFECTION FACILITY DESIGN LOCATED AT THE FRESNO/CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES, OR DESIGNEE, TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

Councilmember Westerlund stated this was a very significant event for the city to start treating water to a tertiary (higher) level as opposed to a secondary level, and upon his request Assistant Public Utilities Director Hogg expanded further on the project and responded briefly to questions relative to water treatment and segregation from lesser treated water.

On motion of Councilmember Westerlund, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Amendment to the contract with Parsons Water and Infrastructure, Inc., hereby approved, and the Public Utilities Director, or designee, authorized to sign the Agreement on behalf of the City, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	None

(1:30 P.M.) HEARING TO CONSIDER THE FORMATION OF A SPECIAL TAX DISTRICT (COMMUNITY FACILITIES DISTRICT NO. 16) FOR THE MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH THE UNIVERSALLY ACCESSIBLE PARK

#1 RESOLUTION NO. 2012-67 - A RESOLUTION OF FORMATION ESTABLISHING A SPECIAL TAX DISTRICT (CFD NO. 16), DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS, AND TAKING RELATED ACTIONS

#2 RESOLUTION NO. 2012-68 - CALLING A SPECIAL MAILED BALLOT ELECTION AND SETTING JUNE 26, 2012, AS THE ELECTION DAY, AS AMENDED

President Olivier announced the time had arrived to consider the issue and opened the hearing.

City Engineer Mozier reviewed the issue as contained in the staff report as submitted, advised of an amendment to Resolution #2 adding #12 to Page 3 to state: *"The City shall reimburse the County of Fresno for its costs incurred in assisting the Election Official in the conduct of this special mailed ballot election"*, and recommended approval.

Upon call, no one wished to be heard and President Olivier closed the hearing.

Upon question of Acting President Xiong Mr. Mozier stated staff verified proper noticing occurred and the published notice was available for anyone upon request. Acting President Xiong spoke briefly to the outreach that will now occur and expressed his hope for excellent results and made a motion to approve, which motion was seconded by Councilmember Baines. Councilmember Westerlund spoke to the amendment and presented questions and comments relative to whether staff had an idea of how much it was going to cost the city to reimburse the county for their work on this, his concern with getting a bill for \$8,000 or more and his desire to include in #12 *"Not to exceed \$3,000" (or \$4,000 or some reasonable amount)*, funding source to reimburse the county, need to limit the city's exposure, and if placing a \$10,000 limit would be sufficient. Mr. Mozier responded throughout, stated \$10,000 would be more than adequate but suggested \$12,000 and added he felt the cost would be substantially lower than that, and the motion was further amended to state the reimbursement to the County would be *"in an amount not to exceed \$12,000"*.

On motion of Acting President Xiong, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution No. 2012-67 hereby adopted, and Resolution No. 2012-68 adopted as amended, adding #12 to Page 3 of the Resolution relating to reimbursement to the County of Fresno for their costs in an amount not to exceed \$12,000, by the following vote:

Ayes : Baines, Brand, Quintero, Westerlund, Xiong, Olivier
Noes : Borgeas
Absent : None

(1:45 P.M.) CONSIDER A RESOLUTION UPHOLDING THE APPEAL AND DENYING THE PLANNING COMMISSION’S ACTION APPROVING CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-11-028 TO UP-GRADE A TYPE 20 ABC LICENSE (*OFF-SALE BEER & WINE*) TO A TYPE 21 (OFF-SALE LIQUOR, BEER & WINE) ABC LICENSE FOR ZACK’S MARKET, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CALIFORNIA AVENUE AND MARTIN LUTHER KING, JR. BOULEVARD
#1 RESOLUTION NO. 2012-69 - UPHOLDING THE APPEAL AND DENYING THE PLANNING COMMISSION’S ACTION APPROVING CUP APPLICATION NO. C-11-028

Planner Pagoulatos advised the staff report as submitted was complete and there was nothing new to add. City Attorney Sanchez added this matter was back before Council consistent with Council’s direction on March 22nd and his office previously provided some additional background information to Council and was available for any questions. Upon question of Councilmember Baines Mr. Sanchez stated what was provided here was the findings to deny the CUP consistent with what was presented on the record at the last meeting.

On motion of Councilmember Baines, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2012-69 hereby adopted, by the following vote:

Ayes : Baines, Brand, Quintero, Westerlund, Xiong
Noes : Borgeas, Olivier
Absent : None

RECESS – 1:51 P.M. – 2:00 P.M.

(2:00 P.M.) CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL:

(‘A’) EXISTING LITIGATION – CASE NAME: CONCERNED CITIZENS OF WEST FRESNO V. COF AND DARLING INTERNATIONAL, INC.

(‘B’) ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE TO LITIGATION – CASE NAME: PACIFIC GAS AND ELECTRIC COMPANY V. COF

(SPECIAL MEETING NOTICE) DECIDING WHETHER TO INITIATE LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION – POTENTIAL LITIGATION: CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY V. COUNTY OF FRESNO, FRESNO COUNTY LIBRARY, AND NTERESTED PARTY FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

The City Council met in closed session in Room 2125 at the hour of 2:00 p.m. to consider the above matters and reconvened in regular open session at 4:06 p.m.

(2:30 p.m. “A”) CONSIDER CHARTER REVIEW COMMITTEE RECOMMENDATIONS, ITEMS 1 - 55 – PRESIDENT OLIVIER

#1 WHETHER THE CREATION OF AN EMERGENCY RESERVE FUND IS BY SETTING ASIDE AND MAINTAINING A PERCENTAGE OF GENERAL FUND APPROPRIATIONS

#2 WHETHER TO AMEND CHARTER SECTION 1233 TO REDUCE THE 20% LIMIT ON GENERAL OBLIGATION BONDS TO 10% OF CITY ASSETS AND TO ADD A PROVISION THAT PLACES A LIMIT OF 10% ON THE NET DEBT SERVICE FOR GENERAL FUND APPROPRIATIONS

#3 WHETHER TO REQUIRE A SUPER MAJORITY VOTE ON ALL DEBT FINANCING DECISIONS NOT CONTAINED IN THE ADOPTION OF THE ANNUAL BUDGET BY THE COUNCIL

#4 WHETHER TO ESTABLISH A CHARTER SECTION THAT WOULD TRIGGER DUE DILIGENCE AND OVERSIGHT POLICIES, USING A PRIVATE SECTOR BANKING MODEL; REQUIRE THE CITY ATTORNEY AND CITY MANAGER TO PROVIDE WRITTEN REPORTS TO THE COUNCIL AND REQUIRE A SUPER MAJORITY VOTE TO APPROVE, FOR ANY REQUEST FOR FINANCIAL ASSISTANCE EXCEEDING \$1 MILLION

#5 WHETHER THE CITY SHOULD REQUIRE A FISCAL IMPACT REPORT THAT INCLUDES A DETAILED FINANCIAL ANALYSIS OF WAGE AND BENEFIT COSTS AND AN ACTUARIAL REPORT, IF DEEMED NECESSARY BY THE CITY MANAGER, FOR ALL MEMORANDUM OF UNDERSTANDING LABOR AGREEMENTS

#6 WHETHER THE COUNCIL SHOULD AFFIRM, BY MAJORITY VOTE, THE HIRING OF THE CITY MANAGER AND HIS/HER COMPENSATION CONTRACT, ASSUMING REASONABLE AFFIRMATION NOT BE WITHHELD

#7 WHETHER THE CHARTER CLEARLY IDENTIFIES THE JURISDICTIONAL AUTHORITY TO ORGANIZE AND STRUCTURE ADMINISTRATIVE DEPARTMENTS LIES WITH THE MAYOR, SUBJECT TO COUNCIL CONFIRMATION

#8 WHETHER THE CHARTER SHOULD REQUIRE ANNUAL BUDGETS BE IN A TWO (2) YEAR FORMAT AND ALSO INCLUDE EXTENDED PROJECTIONS

#9 WHETHER THE MAYOR SHALL RELEASE THE PROPOSED BUDGET TO THE COUNCIL AT LEAST SIXTY (60) DAYS RATHER THAN THIRTY (30) DAYS PRIOR TO THE BEGINNING OF EACH FISCAL YEAR (SEC. 1203)

#10 WHETHER THE MAYOR’S VETO POWERS SHOULD EXTEND TO ALL LEGISLATIVE LAND USE DECISIONS (SEC. 605 (c)(2))

#11 WHETHER THE MAYOR SHOULD HAVE VETO AUTHORITY OVER THE DECISIONS OF THE CIVIL SERVICE BOARD (SEC. 1002)

City Attorney Sanchez advised his office received a letter this morning from the attorney representing FCEA requesting (1) this item be removed from the agenda because there may be some items within the CRC recommendations that could be subject to Meet & Confer (M&C) and (2) to move through some sort of M&C process as necessary; stated his office sent a reply stating it would be premature at this point to make that determination as a sense/direction of the Council was necessary on the need to engage in M&C and added an example for M&C was #11 above and explained; **(2 – 0)** and stated it was his position that the Council had the legal authority to continue to proceed with discussion on this item today. Councilmember Borgeas stated a good portion of time was lost by starting today’s meeting at 1:00 p.m. and spoke to the remaining schedule and times and stated he felt the process should be started but he would be surprised if Council gets through many issues given the time constraints. President Olivier concurred and stated a decent debate/discussion was probably in jeopardy, and noted a representative from Assemblymember Perea’s office was present and requested Council address the next item (2:30 p.m. ‘C’) as it could be dealt with quickly.

Proceedings on the CRC recommendations were interrupted to address Item 2:30 p.m. ‘C’.

(2:30 p.m. “C”) RESOLUTION NO. 2011-70 - SUPPORTING THE RESTORATION OF STATE FUNDING FOR THE FRESNO VETERANS HOME – PRESIDENT OLIVIER

President Olivier stated he placed this item on the agenda at the request of Assemblymember Perea and upon his request Mia Sibley with Mr. Perea’s office stated she just got back from Sacramento and advised at a budget meeting the sub-committee voted to reinstate a portion of the money for the home that the Governor was proposing to eliminate to start the hiring and training processes, stated even though that was one baby step forward the funding still had to pass on the Senate side and requested Council’s support, and upon question of President Olivier stated she felt the Veterans Home opening earlier was a possibility and expanded further. President Olivier commended Assemblymember Halderman for bringing forth something similar last summer and spoke in support of this resolution stating the Governor needed to know how the city of Fresno felt about the issue and made a motion to approve.

Barbara Hunt, 2475 S. Walnut, spoke in support.

On motion of President Olivier, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution No. 2012-70 hereby adopted, by the following vote:

Ayes : Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes : None
Absent : None

(2:30 p.m. "A") CONSIDER CHARTER REVIEW COMMITTEE RECOMMENDATIONS, ITEMS 1 - 55 – PRESIDENT OLIVIER

#1 WHETHER THE CREATION OF AN EMERGENCY RESERVE FUND IS BY SETTING ASIDE AND MAINTAINING A PERCENTAGE OF GENERAL FUND APPROPRIATIONS

#2 WHETHER TO AMEND CHARTER SECTION 1233 TO REDUCE THE 20% LIMIT ON GENERAL OBLIGATION BONDS TO 10% OF CITY ASSETS AND TO ADD A PROVISION THAT PLACES A LIMIT OF 10% ON THE NET DEBT SERVICE FOR GENERAL FUND APPROPRIATIONS

#3 WHETHER TO REQUIRE A SUPER MAJORITY VOTE ON ALL DEBT FINANCING DECISIONS NOT CONTAINED IN THE ADOPTION OF THE ANNUAL BUDGET BY THE COUNCIL

#4 WHETHER TO ESTABLISH A CHARTER SECTION THAT WOULD TRIGGER DUE DILIGENCE AND OVERSIGHT POLICIES, USING A PRIVATE SECTOR BANKING MODEL; REQUIRE THE CITY ATTORNEY AND CITY MANAGER TO PROVIDE WRITTEN REPORTS TO THE COUNCIL AND REQUIRE A SUPER MAJORITY VOTE TO APPROVE, FOR ANY REQUEST FOR FINANCIAL ASSISTANCE EXCEEDING \$1 MILLION

#5 WHETHER THE CITY SHOULD REQUIRE A FISCAL IMPACT REPORT THAT INCLUDES A DETAILED FINANCIAL ANALYSIS OF WAGE AND BENEFIT COSTS AND AN ACTUARIAL REPORT, IF DEEMED NECESSARY BY THE CITY MANAGER, FOR ALL MEMORANDUM OF UNDERSTANDING LABOR AGREEMENTS

#6 WHETHER THE COUNCIL SHOULD AFFIRM, BY MAJORITY VOTE, THE HIRING OF THE CITY MANAGER AND HIS/HER COMPENSATION CONTRACT, ASSUMING REASONABLE AFFIRMATION NOT BE WITHHELD

#7 WHETHER THE CHARTER CLEARLY IDENTIFIES THE JURISDICTIONAL AUTHORITY TO ORGANIZE AND STRUCTURE ADMINISTRATIVE DEPARTMENTS LIES WITH THE MAYOR, SUBJECT TO COUNCIL CONFIRMATION

#8 WHETHER THE CHARTER SHOULD REQUIRE ANNUAL BUDGETS BE IN A TWO (2) YEAR FORMAT AND ALSO INCLUDE EXTENDED PROJECTIONS

#9 WHETHER THE MAYOR SHALL RELEASE THE PROPOSED BUDGET TO THE COUNCIL AT LEAST SIXTY (60) DAYS RATHER THAN THIRTY (30) DAYS PRIOR TO THE BEGINNING OF EACH FISCAL YEAR (SEC. 1203)

#10 WHETHER THE MAYOR'S VETO POWERS SHOULD EXTEND TO ALL LEGISLATIVE LAND USE DECISIONS (SEC. 605 (c)(2))

#11 WHETHER THE MAYOR SHOULD HAVE VETO AUTHORITY OVER THE DECISIONS OF THE CIVIL SERVICE BOARD (SEC. 1002)

Councilmember Borgeas spoke to the background of the issue, to the procedural discussion two weeks ago, to the need to be fair to the Charter Review Committee and all the recommendations, to the process arrived at to consider 11 items at a time and the freedom to discuss all items as they relate to one another but take action only on the items identified at each meeting, to placing ballot-worthy items on a list and having a final vote on each at the end of the process on whether or not to place the item on the ballot, to weaving items together for purposes of minimizing ballot initiatives and cost, and to November being the most cost efficient for ballot measures, and noting the Council's schedule and limited amount of time recommended at least public discussion be opened and taken on the eleven items.

Speaking to the issue were: Barbara Hunt who spoke to acquired debt and her support for the Council-Mayor Form of Government; Mike Wells, 535 N. Fulton, Fresno Metro Ministry, who spoke in support of Item #10 in general; Dee Barnes, FCEA President, who requested Council consider the cost of placing items on the ballot and the city's current financial position, expressed concern with Item #1, and requested Council consider waiting to place items on the ballot until such time that the city does not have to think about the real possibility of filing bankruptcy; Marina Magdaleno, 839 N. Fulton, who also expressed concern with the cost for ballot measures, stated this was not a good time to get into another cost issue, and spoke to the bad message that would be sent to residents and employees and to the city's needs; Michael Evans, 6141 N. West, who spoke in opposition to Items 7, 10 and 11 which would increase the Mayor's powers at the expense of the Council; and Debra Maggy, FCEA Vice President, who expressed concern with the cost for ballot measures and stated this was not the time to spend money.

Councilmember Westerlund left the meeting at 4:37 p.m. Councilmember Quintero thanked everyone for their input and concurred with comments on the city's needs and cost concerns to place items on the ballot and made a motion to table this matter to a future date stating what little money the city had should go towards repairing potholes/trimming trees/fixing streetlights. President Olivier seconded the motion for discussion purposes whereupon City Attorney Sanchez stated a motion to continue indefinitely would allow for Council discussion but a motion to table was a procedural motion with no deliberation on it. Councilmember Quintero then

made a motion to continue indefinitely and Councilmember Baines seconded it for discussion purposes. Councilmember Borgeas clarified items would be debated throughout but there would be a couple of votes down the line to determine if Council even wants to place items on the ballot and he felt this motion was premature as Council would be going through the review process and would not be committing to putting things on the ballot at this stage. Councilmember Brand stated he was also concerned about the cost and agreed the timing was bad but added this was a process that would ultimately be voted upon by the Council and he was not sure if he himself would vote at the end to put any items on the ballot, and spoke to decisions that have been made in the past (stadium/parking garage/Granite Park/The Met, etc.) and stated there were items/policies here that would directly address that, and urged Council to at least go through the process citing the CRC's hard work. Councilmember Baines stated he was also leery about the cost, noted out of the 55 items only a handful were ballot considerations, and suggested discussing only the policy issues and tabling the Charter items. Councilmember Quintero stated his motion stood, and added Councilmember Brand brought forward policies on his own in the past and that process could be followed again.

A motion of Councilmember Quintero, seconded by Councilmember Baines, to continue this matter indefinitely failed, by the following vote:

Ayes	:	Quintero
Noes	:	Baines, Borgeas, Brand, Xiong, Olivier
Absent	:	Westerlund

Item 2:30 p.m. was continued to April 26, 2012.

RECESS – 4:50 P.M. – 5:19 P.M.

(5:00 P.M.) REVIEW AND SELECT A PREFERRED ALTERNATIVE FOR THE PREPARATION OF THE 2035 GENERAL PLAN UPDATE

City Attorney Sanchez stated public testimony was heard at the last meeting, the deliberative process was initiated and got to the point of continuation, it was made clear that the public hearing portion was closed but that if new information came forth Council reserved the right to reopen the public hearing, and stated from a due process standpoint there clearly had been opportunity for the public to weigh in on the different alternatives. President Olivier also noted there was seven hours of testimony at the last meeting, and upon his request City Manager Scott spoke to what transpired at the staff level the last couple of weeks (meetings with different interested parties, providing written correspondence to Council, answering questions, and addressing misunderstandings of the numbers related to the different alternatives).

Councilmember Brand stated he had been ready to vote two weeks ago but thanked Councilmember Borgeas for his motion to continue concurring this was one of the biggest decisions that would be made for the next 10 to 20 years and Council needed to take its time and do this right; stated he put a lot time into this issue before but in the last two weeks he poured through hundreds of documents to make sure he was making the right decision on where the city goes for the next ten years; stated he considered only plans A and D and conducted a very exhaustive study on their differences and elaborated at length on his analysis, findings/results, and recommendations **(3 – 0)**; stated from his analysis plan A presented the best fiscal analysis and best potential for growth but he believed some improvements were needed and explained; referenced a spreadsheet he submitted to Council entitled *Comparative Analysis of Alternatives A, D & A-2* showing what can be achieved, and elaborated on his analysis and findings; stated he presented plan A-2 to the Mayor, City Manager and Assistant DARM Director Bergthold and the plan had their support; and upon his question Mr. Bergthold confirmed staff looked closely at the refinements proposed in A-2 and stated they were in the spirit and the quantitative analysis staff conducted for A, the gross densities overall for the entire plan were still well within the blueprint range and the efficiency and smart growth ranges, and he supported A-2. Councilmember Brand also pointed out plan A-2 did not allow for expanding beyond the Sphere of Influence (SOI) just like plan A and made a motion to select Alternative A as modified/amended, as the Preferred Alternative. Noting a motion was pending from the last meeting Mr. Sanchez stated that motion needed to be addressed first or be withdrawn. Councilmember Brand requested the original motion-makers withdraw the motion whereupon Councilmember Westerlund suggested members first discuss the modified plan and withdrawing the motion would be a consideration.

Councilmember Borgeas thanked everyone for coming back again and stated the two week delay had been very productive; spoke to the issue of home-buying options, to development industry concerns about taking away jobs and opportunities for the city to grow, and to his questions on whether plan A would keep the development industry from prospering and if there would still be opportunity in Fresno with A; and presented questions and comments relative to how many units could be built without expanding the SOI, growth rates/growth opportunities/6,000 square foot lot opportunities, there being ample growth opportunity for the next 8 to 10 years and possibly up to 20 years with plan A, if north SEGA was included in the growth opportunity, lessons learned from planning in the past, loss of farmland, and his support for plan A-2 (A-modified) and it being a step in the right direction, with Mr. Bergthold responding and clarifying issues throughout. At this point Mr. Sanchez confirmed there was a standing motion from the last meeting by Councilmembers Westerlund and Brand to select Alternative A.

Upon question of Councilmember Baines Mr. Bergthold stated staff had not had a chance to talk to the community about A-2 as preliminary information was submitted to them and after review staff felt it fit the intent and framework for plan A. Councilmember Baines stated he had no doubt A-2 was a good plan but he was a little reticent because this had not been presented to the community, stated in listening to his colleagues there clearly were some good things in the plan but he was not 100% sure he fully understood what the changes were and their ramifications, and as noted before stated he was firm supporter of plan A and would have liked a little more time to examine A-2 and upon his request Mr. Bergthold highlighted the key points and differences between plans A and A-2. Councilmember Baines presented questions and comments relative to whether A and A-2 could be studied side-by-side in the EIR process since they were so closely aligned, if these were two entirely different plans or if A-2 was A with modifications, the two plans sounding like the same plan with enhancements, if it was necessary to call A-2 a different plan and go through another motion, if the original motion for A could remain adding the modification, and it being important for Council to clearly state their support for Alternative A, with the added amendments, with Mr. Bergthold and Councilmember Brand responding. Councilmember Brand clarified A-modified as he laid out was a much better plan because it was plan that was achievable and explained, and clarified his motion would be for *Alternative A as amended*. Councilmember Baines continued and stated he agreed A was not that far off from D other than a few characteristics and spoke to (1) the SOI and his request to have the large area near the Wastewater Treatment Plant studied along with this plan for industrial and heavy ag (with a buffer from the community so that problems the city is dealing with today do not happen again), (2) his support for studying, if possible, some areas on the edges of southeast Fresno where there is some projected expansion; and (3) his request to study the Bus Rapid Transit (BRT) route for inclusion of a west Fresno corridor adding his community needed that connectivity to the rest of the city, requested #1 and #3 be included in the motion, and **(4 – 0)** along with Mr. Bergthold responded to questions and comments of Councilmember Borgeas relative to how the studies would occur, if the areas referenced were in or out of the SOI, if adding areas for study was natural to the general plan process, his desire to also have the area west of 99 and north of 180 studied but this probably not being the appropriate time to start cherry-picking areas to expand research, and need to determine the cost to add study areas. Acting President Xiong stated he had some of the same cost concerns just expressed by Councilmember Borgeas and elaborated on issues including economics, plan implementation cost, plan sustainability, need for adequate fees to support desired amenities and growth, what the selected plan means to the community, need to make numbers and costs clear upfront, and need to go into a plan with eyes wide open and the accountability factor clear.

Councilmember Westerlund thanked all in attendance along with Councilmember Brand for A-modified stating he appreciated the thought and effort that went into it, all the supporters of plan A stating they framed Council's debate and cared about the community going forward, and the ag community; spoke to his support for smart growth, livable and walkable communities, and the SEGA; and spoke to A and A-modified calling for no change in the SOI and presented comments and questions relative to the need for heavy industrial/buffer zones/how past mistakes can be prevented from happening again, if a policy needed to be included in the study rather than pointing out specific areas, industrial areas/need to co-locate jobs to support housing communities, how the number of WEGA and SEGA housing units in A-modified was arrived at, total number of units expected out of SEGA, support for A as amended and the need for Council to move forward and implement it, and encouragement to the community to continue to be engaged and watch future councils as the integrity of a plan can be lost due to changes made slowly here and there over time, with Mr. Bergthold, City Manager Scott and Councilmember Brand responding throughout. Councilmember Westerlund withdrew his motion made on April 5th and Councilmember Brand made a motion to select *Alternative A as amended* as the Preferred Alternative, which motion was again seconded by Councilmember Borgeas.

Councilmember Quintero stated in his many years here at City Hall he could not recall as much community participation as the amount shown here and thanked the community, noted the citizens committee supported Alternative D and the planning commission supported A and it was important throughout the process to be able to agree to disagree, and read his prepared statement into the record on his support for Alternative D which he stated offered a balanced growth approach to infill and green-fill development and was a combination of Alternatives A, B and C.

President Olivier displayed a Council District map and spoke to his district being the infill district, to infill being a very meaningful concept to him, to District 7 being left behind, **(5 – 0)**, to issues of concern and importance to him and his community, to his skepticism of BRT/BRT not being adequately addressed/working families’ reliance on public transportation and concern with resources being taken away from existing bus routes, to infill development (displaying photos of weed-filled lots in his district), and to the high cost associated with building infill and challenges developers face, and presented additional comments and questions relative to fee process/existing service capacity/who is responsible for fees when infrastructure exists, the importance of and need to accommodate small-time builders to do infill, what projects Granville Homes has worked on downtown/what projects were on the drawing board, how Mr. Assemi characterized the infill process/what challenges he has faced building infill/what his recommendations were to improve the way the City does infill, and what staff’s feeling was on streamlining the process and if 23,500 units could be accomplished under this organization as it currently exists, with Mr. Scott and Darius Assemi with Granville Homes responding throughout. Councilmember Westerlund stated President Olivier made some good points on infill and spoke to the past success of infill development and stated when the foreclosure crisis is over and there is a more stable economy the city will once again see that infill is doable and does work and expanded further.

On motion of Councilmember Brand, seconded by Councilmember Borgeas, duly carried, RESOLVED, Alternative A hereby selected as the Preferred Alternative for the preparation of the 2035 General Plan Update, as amended by Councilmember Brand with his “Comparative Analysis of Alternatives A, D & A-2” , and as amended by Councilmember Baines to (1) study the area near the Wastewater Treatment Plant for industrial and heavy agricultural (with buffers) and (2) study the Bus Rapid Transit (BRT) route for inclusion of a west Fresno corridor, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Westerlund, Xiong
Noes	:	Quintero, Olivier
Absent	:	None

UNSCHEDULED COMMUNICATION:

Upon call no one wished to be heard.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 7:25 p.m. having arrived and hearing no objection, President Olivier declared the meeting adjourned.

Approved on the _____26th_____day of _____APRIL_____, 2012.

_____/s/_____ Clinton Olivier, Council President	ATTEST: _____/s/_____ Yolanda Salazar, Assistant City Clerk
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